

## WETLANDS COUNCIL

### MINUTES

November 13, 2007

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The Wetlands Council met on Tuesday, November 13, 2007 in room 112 at the Department of Environmental Services, 29 Hazen Drive, Concord, NH

**Attendees:** Chairman Lawrence E. Morse, John S. Cobb, Thomas Chrisenton, Dennis Danna, Camilla Lockwood, Steve Perry, Seth Prescott, Jack Ruderman, Thomas Sloan, and David Thompson

**Absentees:** Sharon Champagne, Dennis Lydon

Also present were: Amy Samson, Council Appeals Clerk and Carolyn Guerdet, Council Clerk

The meeting was called to order by Chairman Larry Morse at 9:20 a.m. with a quorum present.

#### 1. Approval of Minutes of October 9, 2007 Council Meeting

***A motion was made by Councilor Thompson and seconded by Councilor Danna to accept the minutes of October 9, 2007. It was unanimously voted.***

#### 2. Status of Appeals

- Docket No. 07-25 WtC – Ross Realty Trust and Tippicanoe Campground: WB #2007-00321

***A motion was made by Councilor Chrisenton and seconded by Councilor Sloan to Table this Appeal until the next meeting. Motion was voted unanimously.***

- Docket No. 07-09 WtC – Derry Conservation Commission: WB #2006-00773  
Appeal Hearing was held on October 9, 2007.  
Decision and Order to be written by Councilor Chrisenton.
- Docket No. 07-04 WtC – Lake Shore Realty Trust: WB#2001-01294  
Appeal Hearing was held on October 23, 2007.  
Councilor Morse will write the Decision and Order.
- Docket No. 07-02 WtC – Town of Barrington: WB#2004-02817  
Appeal Hearing was held on October 23, 2007. Deliberations continued today.
- Docket No. 07-10 WtC – Renate Ranniger: WB#2004-01185  
Pre-hearing Conference has been rescheduled for November 19, 2007 at 9 A.M.  
Presiding Officer is John Cobb
- Docket No. 07-18 WtC – Tom McKay-Hi Spot Condominium: WB#2007-00321  
Pre-hearing Conference has been scheduled for December 3, 2007 at 9 A.M.  
Presiding Officer is Thomas Chrisenton

- Docket No. 07-22 WtC – Claire Salois: WB#2006-03223  
Pre-hearing Conference has been scheduled for December 3, 2007 at 10:30 A.M.  
Presiding Officer is Thomas Chrisenton
- Docket No. 07-06 WtC – Patricia Woolson: WB#2006-02796  
Pre-hearing Conference has been scheduled for December 10, 2007 at 9 A.M.  
Presiding Officer is Chairman Morse.
- Docket No. 07-23 WtC – Steve Bragg: WB#2006-01494  
Pre-hearing Conference has been scheduled for December 10, 2007 at 10:30 A.M.  
Presiding Officer is Chairman Morse.
- Docket No. 07-16 WtC – Springfield Point Nirvana: WB#2006-02637  
Pre-hearing Conference has been rescheduled for December 10, 2007 at 1 P.M.  
Presiding Officer is Chairman Morse.
- Docket No. 07-01 WtC – Robert & Betty Howland: WB#2006-01654  
Proceedings are stayed, negotiations continue.
- Docket No. 07-03 WtC – James Watson: WB#2006-01302  
Ppermit has been issued, a Motion to Dismiss will be filed.
- Docket No. 06-11 WtC – Dennis Proulx : WB#2006-00769  
Proceedings are stayed.
- Docket No. 06-16 WtC – Shane Forest: WB#1999-01294  
Settlement discussions continue.
- Docket No. 07-07 WtC – Wendy McCarthy: WB#2006-02581  
Proceedings are stayed.
- Docket No. 07-12 WtC – David Potter: WB#  
Proceedings are stayed 30 days from October 15, 2007.
- Docket No. 07-14 WtC – Courtney Galuzzo: WB#  
Proceedings are stayed 60 days from October 15, 2007.

### **3. Wetlands Bureau Update**

Collis Adams, Administrator, reported that application backlog has been the focus for the past 2 weeks. Statute requires response in 75 days but the goal of the bureau is to have the initial reviews in 60 days. Procedural changes that have been initiated:

- 1) All requests for reconsideration are now assigned to a single point of contact.
- 2) Cross training initiative within the Land Resources Management Program – Wetlands, Alteration of Terrain, Subsurface, and Shoreland Protection.
- 3) Development of a software program that is a color-coded reporting tool for inspectors and management to organize pending applications for timely turnarounds.

Language of vernal pools rules are still being worked on. The Stream Crossing work group has about 15-18 showing up for the rules meetings, no draft yet. Rule making for Comprehensive Shoreland Protection Act is about finished, with the act taking effect April 1, 2008.

4. **Old Business** - None

5. **Other Business** - None

Councilor Lockwood was not present for the Town of Barrington Hearing and asked if she could deliberate and it was decided it was her decision, a quorum from the hearing is present today so she could recuse herself.

The Council recessed at 10 A.M.

**At 10 A.M. - Docket No. 07-02 WtC – Town of Barrington Appeal Deliberation**

Note: The Hearing was conducted at the October meeting, which Councilor Morse did not take part in. There was a client/attorney meeting regarding issues associated with the appeal prior to that hearing. Councilor Morse also was not present for that meeting.

The November 13, 2007 Wetlands Council was reconvened at 10:25.

As her term has expired, Councilor Lockwood has agreed to serve until an appointment is made in her place.

7. **Wetlands Initiative Update - Ted Diers**

Ted Diers reviewed the Wetlands Program Improvement Initiative: Where we're at, Why we're here, and What is going on in response to the Wetlands audit. The agency is reviewing policy, streamlining process, and getting more time for the permit reviewers. Legislation is coming forward that will address four timing issues.

Issues discussed:

- 1) The possibility of a Combined Land Use Permit, encompassing multiple permits within the agency.
- 2) The consistency issue between permits of similar activities, between different permit reviewers, changes over time, and policy and rule interpretation.
- 3) Having the Wetlands Council appeals become an evidentiary process.
- 4) Technical process issues vs. the environmental impact issues.
- 5) Whether or not the DES wetlands bureau should be permitting docks.
- 6) How does DES get to the goal of spending 90% of our time on 90% of the wetland impacts?

Ted will be returning at the January meeting.

6. **Next Meeting** - January 8, 2008.

8. **Adjournment** -

***A motion was made by Councilor Cobb and seconded by Councilor Lockwood to adjourn and was unanimously voted.***

The meeting was adjourned at 12:12 P.M.